

EXHIBIT 11

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK
Adv. Pro. No. 08-01789(SMB)
Adv. Pro. No. 10-04468(SMB)

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES, LLC,
Defendant.

- - - - - x

In re:

BERNARD L. MADOFF,
Debtor.

- - - - - x

IRVING H. PICARD, Trustee for the
Liquidation of Bernard L. Madoff
Investment Securities, LLC,
Plaintiff,

v.

KEN-WEN FAMILY LIMITED PARTNERSHIP;
KENNETH W. BROWN, in his capacity
as a General Partner of the
Ken-Wen Family Limited Partnership;
and WENDY BROWN,
Defendants.

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DEPOSITION OF
KENNETH WILLIAM BROWN
Taken on Behalf of the Plaintiff
DATE TAKEN: Monday, January 27, 2020
TIME: 10 a.m. - 12:30 p.m.
PLACE: Daughters Reporting, Inc.
101 Northeast 3rd Avenue
Suite 1500
Fort Lauderdale, Florida 33301

Examination of the witness taken before:

Felecia Curreri, RPR
Daughters Reporting, Inc.
101 Northeast 3rd Avenue
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20

21 Also Present:

22 WENDY BROWN

23

24

- - -

25

1 (Plaintiff's Exhibit 1, Agreement, was
2 marked for identification.)

3 BY MS. MARASCO:

4 Q. Do you recognize this document?

5 A. Yes.

6 Q. What is it?

7 A. This is the limited partnership agreement,
8 as it says, for Ken-Wen Family Limited Partnership.

9 Q. Do you see a date on that document?

10 A. June 14, 2000.

11 Q. If you'll turn to the last page. Do you
12 see your signature on this document?

13 A. Yes, that's my signature.

14 Q. And in what capacity did you sign the
15 document?

16 A. General partner.

17 Q. So it's accurate to say that you were a
18 general partner of Ken-Wen?

19 A. Yes.

20 Q. And then on that same page to the right,
21 do you see Wendy Brown's signature?

22 A. I do.

23 Q. Was Wendy also a general partner?

24 A. Yes.

25 Q. Other than Wendy and you, were there ever

1 Ms. Werner and Mr. Bernfeld; is that correct?

2 MR. BERNFELD: Correct.

3 MS. MARASCO: We'll just go off the record
4 very briefly.

5 (Discussion held off the record).

6 MS. MARASCO: I'm ready to go back on the
7 record. All set? Okay.

8 BY MS. MARASCO:

9 Q. We are back on the record. It's
10 10:26 a.m.

11 We just completed discussions about the
12 partnership agreement. You can put that to the
13 side for now. I don't have anymore questions for
14 that document at this time.

15 We just discussed that Ken-Wen had an
16 investment account at BLMIS; is that correct?

17 A. Yes.

18 Q. And we discussed that Ken-Wen held that
19 account in the partnership name; is that correct?

20 A. Yes.

21 Q. Okay. And you may have mentioned this
22 before, but do you recall the account number?

23 A. No.

24 Q. Okay. Was there more than one account?

25 A. No.

1 Q. Did you ever use the account in connection
2 with the operations of the partnership?

3 A. No.

4 Q. And when I say "use the account," what do
5 you understand that to mean?

6 A. The account was inactive in any other
7 function other than for the investment account with
8 the Madoff firm, which was passively done. It was
9 not operated by myself or anyone else, other than
10 Madoff had full discretion.

11 MS. MARASCO: Okay. I am going to hand to
12 the court reporter and ask her to mark two
13 exhibits. One is Mr. Brown's answer to the
14 amended complaint and the other one is Wendy
15 Brown, a/k/a Wendy Werner's answer to the
16 complaint. I'll ask them to be marked as
17 Exhibits 2 and 3, respectively.

18 (Plaintiff's Exhibit 2, Ken Brown's
19 Answer, was marked for identification.)

20 (Plaintiff's Exhibit 3, Wendy Brown's
21 Answer, was marked for identification.)

22 MR. ROHER: Which one is two?

23 MS. MARASCO: Two is the one on top. It
24 is Mr. Brown's.

25 BY MS. MARASCO:

1 A. I see that.

2 Q. And you said you recognized your
3 handwriting. Do you also see your signature at the
4 bottom of the page?

5 A. Yes, I also see Wendy Brown's signature.

6 Q. And you see her signature right beneath
7 yours, right?

8 A. Yes.

9 Q. So looking at this document now, do you
10 have any understanding of what the purpose of this
11 document might be?

12 A. I had no idea when this document was
13 signed and sent.

14 Q. If you look at the last paragraph, it
15 says, "Bernard L. Madoff Investment Securities,
16 a/k/a BLMIS, is instructed to direct all notices or
17 communications, including demands, notices,
18 confirmations, reports and statements of account
19 for the partnership in connection with the
20 partnership account as follows."

21 Did I read that correctly?

22 A. Yes.

23 Q. Did you receive notices or communications
24 from BLMIS?

25 A. Yes. Madoff Securities would have had to

1 open the account with the Ken-Wen partnership
2 agreement. So -- and the address in which they
3 would have sent their reports, notices and
4 statements would have been 405 Southwest Atlantic.

5 Q. Was that a personal address or was that a
6 business address?

7 A. That was a family address.

8 Q. When demands, notices or confirmations or
9 reports or any of those things were sent to this
10 address, is it your testimony that you reviewed
11 those documents?

12 A. Well, I went -- at the time I received the
13 notices and documents at the time I was living
14 there, I may have reviewed them, but it wasn't
15 anything other than just a cursory, casual review,
16 because we had no decision making power over the
17 account.

18 Q. How long did you reside at the address 405
19 Southwest Atlantic Drive?

20 A. I think I had left after a hurricane,
21 2005, maybe 2006.

22 Q. Did you ever change your address with the
23 BLMIS?

24 A. No.

25 Q. Did you ever -- after leaving that address

1 in 2005, did you subsequently obtain a different
2 address?

3 A. I did.

4 Q. And did you ask BLMIS to send
5 communications to that new address?

6 A. No, I did not. I had no reason to.

7 Q. You can put that document to the side.

8 I'm going to hand another document to the
9 court reporter and this will be Exhibit 5.

10 (Plaintiff's Exhibit 5, Tax Information,
11 was marked for identification.)

12 BY MS. MARASCO:

13 Q. Here you go (handing).

14 Sir, I've handed you a document marked as
15 Exhibit 5. At the top it says "important new tax
16 information."

17 Have you seen this document before?

18 A. I signed it, so I must seen it, but I
19 don't know anything about it.

20 Q. If you take a second to look at it, would
21 that help?

22 A. No.

23 Q. Does this document appear to be dated?

24 A. No.

25 Q. Looking at this document, do you have any

1 one separated earned assets from essentially the
2 inherited assets or transferred assets.

3 Q. Why might Ken-Wen have bought insurance
4 policies?

5 A. At the time I think we bought a
6 substantial life insurance policy on Violet Werner.
7 May have -- retirement planning or estate planning.
8 That's the only thing we were doing. That's what
9 that money was for, retirement planning and estate
10 planning.

11 Q. And golf courses?

12 A. No. I don't think so. I said the golf
13 courses, I believe, were KBCB, but then again, you
14 know, you're helping me, reminding me of things, so
15 it's nothing intentional.

16 Q. I'm going to hand another document to the
17 court reporter, if she'll please mark it as
18 Exhibits 10.

19 (Plaintiff's Exhibit 10, Fax, was marked
20 for identification.)

21 BY MS. MARASCO:

22 Q. Have you seen this document before?

23 A. I assume I did, because it's in my
24 handwriting again.

25 Q. Okay. And did you sign this document?

1 A. I did.

2 Q. And you signed it in your capacity as a
3 GP, correct?

4 A. Right. I don't see any date on it,
5 though.

6 Q. Do you see the fax number at the top of
7 the page?

8 A. Yes.

9 Q. And to whom is this fax addressed?

10 A. Frank at Madoff Securities.

11 Q. And do you see the account number there?

12 A. I do.

13 Q. What account number is that?

14 A. 1EM226-3- -- it looks like zero.

15 Q. And this is a request to wire 150,000 and
16 it looks like there was a request that it be sent
17 to Paradise Bank?

18 A. Yes.

19 Q. And that appears to be crossed out; is
20 that correct?

21 A. There's an X through it. Why, I don't
22 know. There's other writing here. It says, "spoke
23 to client, no wire."

24 Q. And what's the -- you see 6-21 written
25 after that?

1 A. Yeah, it's not in my handwriting. I don't
2 know what that is.

3 Q. Did Ken-Wen ever switch from using RBC
4 Santora to Paradise Bank?

5 A. We may have switched or we may just had
6 the accounts setup simultaneously. Like I said, we
7 had different banks that we worked with and this, I
8 think, was business practices, different.

9 Q. And if they were in existence
10 simultaneously, why might the request be for
11 deposit into Paradise Bank instead of RBC?

12 A. For whatever reason it was at the time, I
13 don't know. It's, like I said, it's been a while,
14 so I don't know.

15 Q. To your recollection, was the Paradise
16 Bank account also held by the Ken-Wen partnership?

17 A. I believe so, because he has an account
18 number there.

19 Q. And then it -- the deposit request, it
20 says, "To Ken-Wen Family Limited Partnership," is
21 that correct?

22 A. Yes.

23 Q. Okay. Who may have had access to the
24 Paradise Bank account?

25 A. Wendy Brown and Ken Brown.

1 Q. Would anyone else have had access to the
2 Paradise Bank account?

3 A. No.

4 Q. Do you recall whether you received
5 contemporaneous account statements from Paradise
6 Bank?

7 A. We got statements, sure, regularly.

8 Q. And you do at least a cursory review of
9 them, to your recollection?

10 A. Probably, yes.

11 Q. Do you recall whether you executed a new
12 account control agreement?

13 A. I don't know what you mean by that.

14 Q. We discussed earlier that Ken-Wen had
15 pledged the account to RBC Santora; do you recall
16 that?

17 A. I don't know if the whole account was
18 pledged or a portion of the account. Yes, there
19 was a pledge agreement with RBC Bank, but they had
20 no influence over the account, other than there may
21 have been a securities interest at the time. Maybe
22 the \$600,000 paid them off, I don't know.

23 Q. To your recollection, did Paradise Bank
24 ever have a security interest in the account?

25 A. No. Then again, I don't remember. I'm

1 sorry, I don't remember.

2 Q. So you mentioned earlier that this has a
3 notation that says "spoke to client, no wire," and
4 there's an X through it.

5 Do you recall speaking to someone at BLMIS
6 about this request?

7 A. No, I don't.

8 Q. Do you know why the funds would not be
9 wired?

10 A. No.

11 Q. Do you recall receiving the funds by
12 another means?

13 A. No.

14 Q. Okay. I'm going to hand another document
15 to the court reporter to mark as Exhibit 11.

16 (Plaintiff's Exhibit 11, Check, was marked
17 for identification.)

18 BY MS. MARASCO:

19 Q. Have you seen this document before?

20 A. No.

21 Q. Can you tell me what it is?

22 A. It's a check.

23 Q. From whom?

24 A. B. L. Madoff.

25 Q. And to whom is it addressed?

1 A. Ken-Wen Family Limited Partnership.

2 Q. And what is the date of the check?

3 A. 6-26-2007.

4 Q. Okay. And what is the amount of the
5 check?

6 A. \$150,000.

7 Q. Do you see a reference number in the
8 bottom left-hand corner of the check?

9 A. Yes, 1EM226-3.

10 Q. And then if you turn to the second page,
11 do you see the endorsement there?

12 A. Yes.

13 Q. And which bank does it appear to have been
14 deposited in?

15 A. It looks like it's stamped Paradise Bank.

16 Q. Why might Mr. Madoff be writing a check
17 for \$150,000 to the Ken-Wen Family Limited
18 Partnership?

19 A. Probably a distribution.

20 Q. So when we talked about -- when we talked
21 about Exhibit 10 before, that was the fax with the
22 request for \$150,000?

23 A. Right.

24 Q. And there was the notation that says "no
25 wire/6/21," right?

1 A. Yes.

2 Q. And here we have a check dated 6/26/2007
3 for \$150,000 to Paradise Bank account. Suggests to
4 me that the funds were sent by check instead of
5 wire; does that sound like --

6 A. I have no reason to dispute that, sure.
7 It looks like the money was sent by check, yes.

8 Q. Do you know why the money would be sent by
9 check as opposed to wire?

10 A. No.

11 Q. So when you spoke to someone at BLMIS in
12 connection with this request that we marked as
13 Exhibit 10, it says "spoke to client, no wire."
14 Did they inform you that they would not be sending
15 a wire?

16 A. I don't know. I don't recall any of it,
17 but, for whatever reason, the document speaks for
18 itself. That's apparently what happened.

19 Q. Okay. I'm going to hand another document
20 to the court reporter. This will be Exhibit 12.

21 (Plaintiff's Exhibit 12, Bank Statement,
22 was marked for identification.)

23 MR. ROHER: Can we go off the record?

24 (Discussion held off the record).

25 BY MS. MARASCO:

1 Q. Are you all right to continue, sir?

2 A. I'm exhausted. I'm really tired. I
3 really want to go home and go to sleep.

4 Q. I hear you.

5 A. Okay.

6 Q. Let me know if you need a break.

7 A. No, I'm fine.

8 Q. Thank you.

9 So this has been marked as Exhibit 12.
10 This is another account statement for BLMIS at
11 JPMorgan Chase. The account number is 140081703.

12 Is that consistent with what you see in
13 front of you?

14 A. It is consistent with what I see, yes.

15 Q. What is the date on this statement that
16 you have in front of you?

17 A. It looks like month end statement of
18 December 31st, 2007.

19 Q. If we'll turn to Page 51, it's just about
20 the last page.

21 A. Got it.

22 Q. So you actually have the highlighted
23 version. It is the \$500,000 transfer. It's in the
24 middle there.

25 Do you see where it says "12-31 fed wire

1 debit via Paradise Bank AC Ken-Wen Family Limited
2 Partnership"?

3 A. Right.

4 Q. And that's a \$500,000 debit; is that
5 correct?

6 A. Yes.

7 Q. So it's fair to say, based on this, that
8 it looks like \$500,000 was wired from BLMIS to the
9 Paradise Bank account held by Ken-Wen?

10 A. That's what the document says.

11 Q. Do you recall requesting a \$500,000 wire
12 in December 2007?

13 A. No, I don't, but I just generally recall
14 that at the time of 2007 I wanted to be getting out
15 of the stock market. I didn't like the market
16 conditions. That's what my business was
17 forecasting, so that was probably a liquidation
18 effort to get out of the stock market.

19 Q. When you made these requests, did you know
20 how much was left in the account?

21 A. I had a fair idea.

22 Q. Based on what?

23 A. The statement.

24 Q. So the statement that was sent to you from
25 BLMIS would reflect the balance of funds in the

1 fairly well-informed as to the value levels of the
2 account.

3 Q. By whom would you be informed?

4 A. Ms. Brown. We talked.

5 Q. Did you receive account statements as
6 well?

7 A. Or I would go to the house and review them
8 from time to time, but the address was always 405.
9 I wasn't trying to be ignorant of them, no. We
10 just had no decision making over them, other than
11 we could make withdrawals. That's the only
12 decisions we could make.

13 Q. So when you would have made a request in
14 December 2007 to withdraw \$500,000 from the
15 account, would you have conferred with Ms. Brown?

16 A. Yes.

17 Q. Would you need her consent to make that
18 request?

19 A. I think so. Yes, I think, because we were
20 both general partners at the time. Certainly if
21 there was a disagreement, then I think that there
22 would have been a disagreement, but it didn't
23 happen, so --

24 Q. For example, what might have happened, if
25 you know, if you had made a request for a

1 withdrawal that exceeded the amount in the account?

2 A. It would not have happened. First of all,
3 Madoff would not have sent a withdrawal greater
4 than the amount that's in the account. It's just
5 not going to happen in the securities business.

6 Q. Would that have been discussed? Would you
7 have made a phone call to determine how much was
8 left in the account?

9 A. Probably.

10 Q. I'm going to hand another document to the
11 court reporter to mark as Exhibit 13.

12 (Plaintiff's Exhibit 13, Fax Request, was
13 marked for identification.)

14 BY MS. MARASCO:

15 Q. So this is going to be a little bit out of
16 order. Put that to the side for now. This is
17 going to be Exhibit 14.

18 (Plaintiff's Exhibit 14, Request for
19 Transfer, was marked for identification.)

20 BY MS. MARASCO:

21 Q. So now you have what's in front of you as
22 Exhibit 14. We'll talk about Exhibit 13 in just a
23 minute.

24 Do you recognize this document?

25 A. Which exhibit am I on?

1 Q. This is 14.
2 A. You want me to talk about that one?
3 Q. Yes.
4 A. Okay.
5 Q. Do you recognize this document?
6 A. It's in my handwriting.
7 Q. Okay. And what does it appear to be?
8 A. A transfer of \$500,000.
9 Q. It's a request for a transfer of 500,000;
10 is that right?
11 A. "Please wire transfer 500,000 to Ken-Wen
12 Family Limited Partnership."
13 Q. Do you see the address there?
14 A. I do.
15 Q. And is that the address we were just
16 discussing before?
17 A. Yes.
18 Q. That's 405 Southwest Atlantic Drive?
19 A. Yes.
20 Q. To what account is the request seeking a
21 deposit?
22 A. Ken-Wen Family Limited Partnership at
23 Paradise Bank.
24 Q. Okay. And you signed this document in
25 your capacity as GP; is that right?

1 A. I did.

2 Q. And then at the top in the bottom -- I'm
3 sorry, at the top left-hand corner there's a note
4 that says "free hand," do you see that?

5 A. I do.

6 Q. What does that mean?

7 A. I don't know.

8 Q. Is that your handwriting as well?

9 A. No.

10 Q. And then in the right-hand side in that
11 big blank space there it says "3.6 million," do you
12 see that?

13 A. I do.

14 Q. Does that sound like that may have been
15 the balance?

16 A. I think so.

17 Q. And then you see the bottom, it looks like
18 a little symbol there, and it says "12/31"?

19 A. Yes.

20 Q. Now, I will turn to what was previously
21 marked as Exhibit 13 that everyone should have.
22 And this appears to be another fax request; is that
23 correct?

24 A. Yes, it is.

25 Q. And is this your handwriting?

1 A. Yes, it is.

2 Q. And to whom is the fax addressed?

3 A. Frank at Madoff.

4 Q. Do you see the reference number there?

5 A. Yes.

6 Q. What account is that?

7 A. Ken-Wen Family Limited Partnership.

8 Q. And the account number?

9 A. 1EM226-3-0.

10 Q. And then what does it say just beneath

11 that?

12 A. "Please liquidate \$3 million from the

13 account and wire transfer proceeds to Ken-Wen

14 Family Limited Partnership, Paradise Bank."

15 Q. Do you recall why you made a request to

16 liquidate the account?

17 A. Yes.

18 Q. Why?

19 A. I was troubled by the stock market. I

20 wanted to get liquidity as quickly as possible and

21 at the time we decided we wanted to have greater

22 control over our moneys, rather than have a

23 discretionary account, which we had no control

24 over, if we were looking at hard times coming in

25 the marketplace, which eventually did. It was

1 called the financial crisis of 2008, 2009, 2010,
2 2011, 2012. That's why we got out of the
3 marketplace.

4 Q. And you said you were troubled by the
5 market. What caused you to be troubled?

6 A. The policy at the fed and the misstated
7 conditions of our banking system. Something called
8 subprime loans. I can go on and on. Our
9 disappointments over trade and the way we were not
10 being able to accomplish anything in Congress to do
11 anything about stimulating growth.

12 Q. And you were in tune with this. Was that
13 in connection with your business?

14 A. Yes, yes, religiously.

15 Q. And K. W. Brown Investments and 21st
16 Century were still operating?

17 A. Yes.

18 Q. Okay. Did you tell me when they stopped
19 operating?

20 A. March of 2008.

21 Q. So with the request to liquidate the 3
22 million, was it your understanding that that
23 withdrawal would wipe out the account?

24 A. I think that -- if I may proceed ahead of
25 you. It says 3.1 down at the bottom. I thought a

1 small residual would be there to keep the account
2 open, in case we wanted to come back.

3 Q. And do you recall receiving the funds, the
4 \$3 million in funds?

5 A. Yes.

6 Q. Do you recall where they were deposited?

7 A. At Paradise Bank.

8 Q. And what did you do with those funds?

9 A. We had established some sophisticated
10 financial planning and estate planning by creating
11 an offshore trust so that we could trade in foreign
12 currencies. With the U.S. dollar at any of the
13 relationship of what the banking system was telling
14 me, the Australian dollar was at \$0.55 to the
15 dollar. The Canadian dollar was at \$0.62 to the
16 dollar and I could see our dollar falling the same,
17 so I wanted to get out of U.S. currency for a
18 safety feature.

19 Q. Was the full 3 million invested into the
20 offshore?

21 A. I think 3.8 million was.

22 Q. Where did the other .8 come from?

23 A. I don't know now. It's a long time, but
24 the other statements I think show that somewhere
25 along the line.

1 Q. And you said it was a trust?

2 A. Yes.

3 Q. What was the name of the trust?

4 A. South Pack.

5 Q. Just to close the loop on that, I'm going
6 to hand to the court reporter to mark as
7 Exhibit 15.

8 (Plaintiff's Exhibit 15, Bank Statement,
9 was marked for identification.)

10 BY MS. MARASCO:

11 Q. If you'll turn to Page 47 of 63.

12 Are you there?

13 A. Yes.

14 Q. Do you see in the middle of the page
15 there's an entry -- sorry. Just to take a step
16 back.

17 Do you recognize this document?

18 A. I don't recognize the document.

19 Q. What do you understand it to be?

20 A. I understand it to be Madoff's Baton Rouge
21 statement at Chase Bank, Chase Morgan.

22 Q. And what is the date on this statement?

23 A. Ending date is January 31st, 2008.

24 Q. And then the account number is 140081703;
25 is that correct?

1 A. Yes, same as the previous one.

2 Q. So turning back to Page 47 of 63, now that
3 we've established what it is. I'm looking at the
4 middle of the page, entry on January 24th, 2008.

5 Do you see "fed wire debit via Paradise
6 Bank AC Ken-Wen Family Limited Partnership transfer
7 for ref Ken-Wen for \$3 million"?

8 A. Yes.

9 Q. And is that consistent with the request
10 that you made to liquidate the account that we just
11 discussed in Exhibit 13?

12 A. Yes.

13 Q. Okay. So it's accurate to say that the
14 funds would have been transferred from BLMIS to the
15 Paradise Bank account?

16 A. Yes.

17 Q. This will be Exhibit 16.

18 (Plaintiff's Exhibit 16, Check, was marked
19 for identification.)

20 BY MS. MARASCO:

21 Q. Do you recognize this document?

22 A. No.

23 Q. Looking at it now, can you tell me what it
24 is?

25 A. It's a check from B. L. Madoff to Ken-Wen

1 Family Limited Partnership.

2 Q. And what's the date on the check?

3 A. 11-17-2003 or is that 2008? I can't make
4 it out.

5 Q. Actually, if you look on the left-hand
6 side under the star 031, there's a date there
7 that's a little more clear.

8 A. 11-25-2008.

9 Q. Okay. And do you see the account number
10 referenced in the bottom left-hand corner?

11 A. I do.

12 Q. And what is the account number?

13 A. 1EM226-3.

14 Q. And then on the back page, do you see
15 whether or not -- can you tell me whether this
16 check was endorsed?

17 A. It was.

18 Q. By whom?

19 A. It would appear to be Ms. Brown's
20 handwriting to Paradise Bank.

21 Q. But it says Ken-Wen Family; is that right?

22 A. Yes.

23 Q. We discussed earlier you made a request to
24 liquidate the account for 3 million and I said,
25 "Did that wipe out the account?" And you said,

1 "You would guess that, because the bottom of the
2 page said 3.1, that there would be 100,000 left in
3 the account to keep it open," do you recall that?

4 A. I do recall that.

5 Q. Okay. This check appears to be in the
6 amount of 200,000; is that correct?

7 A. Yeah, it's 200,000.

8 Q. Why might this check exceed the balance
9 that you believe to be in the account?

10 A. Well, whatever was -- I don't know if this
11 is the last check or the liquidating check.
12 Further, we left a small balance in the account. I
13 don't remember what the residual was because the
14 3.1 was not my handwriting. So I wanted to
15 liquidate the account and just leave the vestige of
16 the money there and my wife also agreed with that.

17 Q. Do you recall requesting \$200,000?

18 A. No. I was no longer a general partner
19 then.

20 Q. This will be Exhibit 17.

21 (Plaintiff's Exhibit 17, Bank Statement,
22 was marked for identification.)

23 BY MS. MARASCO:

24 Q. Do you recognize this document?

25 A. Yes.

1 Q. Can you tell me what it is?

2 A. It's a handwritten document by me for
3 200,000. I don't know what the date is.

4 Q. Do you see the account number there?

5 A. I do.

6 Q. What account number is that?

7 A. Same as always, EM226-3.

8 Q. It says, "Please mail check to Ken-Wen FLP
9 Limited for 200,000 as requested." Am I reading
10 that correctly?

11 A. Yes.

12 Q. And to whom is this request addressed?

13 A. Irwin at Madoff.

14 Q. I'm reading that as Aaron.

15 A. Aaron? Okay. At Madoff, yes.

16 Q. Do you recall speaking with Aaron?

17 A. No.

18 Q. How did you know to send the request to
19 Aaron?

20 A. Most likely by discussing it.

21 Q. And did you sign this document?

22 A. I did.

23 Q. And how did you sign this document?

24 A. Kenneth Brown FLP.

25 Q. And we just discussed the \$200,000 check

1 and I asked you if you had requested it and you
2 said you don't recall, but you weren't a general
3 partner at that time.

4 A. That's right.

5 Q. Is that still correct?

6 A. Yes.

7 Q. Do you see the handwritten notation at the
8 bottom left-hand corner, the 11/17?

9 A. Yes.

10 Q. Looking now at Exhibit 16, can you just
11 tell me again the date on the check?

12 A. 11-17-2008.

13 Q. Okay. So is it likely that that check was
14 a result of this request?

15 A. Yes.

16 Q. Okay. But it's your testimony that you
17 were not a general partner at that time?

18 A. That's right.

19 Q. And so why did you make a request for a
20 \$200,000 withdrawal?

21 A. Probably to facilitate a transfer of the
22 money out of the account.

23 Q. And how did you know that there was
24 \$200,000 left in the account?

25 A. I don't recall, but it went to 405

1 Southwest Atlantic where I wasn't living at the
2 time.

3 Q. Do you recall conferring with Ms. Werner
4 with respect to this request?

5 A. I'm sure we would have discussed it.

6 Q. And then at the bottom corner of the
7 account, do you see handwriting there?

8 A. I do.

9 Q. And that's not your handwriting; is that
10 correct?

11 A. No, it's not.

12 Q. Can you tell me what it says?

13 A. "Asterisk will be refunding account with
14 brackets three million in."

15 Q. Okay. And did you ever refund the
16 account?

17 A. No.

18 Q. We discussed earlier that it was -- you
19 were troubled by the market and that you wanted to
20 get out of the market; do you recall that?

21 A. Yes, absolutely. That's exactly right.

22 Q. Why might this notation indicate that you
23 would be refunding the account?

24 A. Well, market conditions improved. Right
25 now, my philosophy was to be more aggressive with

1 MR. ROHER: So I object to this whole line
2 of questioning.

3 Do you realize who filed this?

4 MS. MARASCO: I do.

5 MR. ROHER: Just so I'm -- just so I'm on
6 the same page with you --

7 MS. MARASCO: This is not a deposition of
8 me.

9 MR. ROHER: Okay, but I don't know why you
10 are asking him questions about this. It's not
11 his answers to the admissions. You are asking
12 the wrong party.

13 MS. MARASCO: He was a general partner
14 but --

15 MR. ROHER: Honestly, this is making no
16 sense to me. He was a general partner as of
17 2008. This isn't even --

18 MS. MARASCO: I'm going to note for the
19 record that counsel is making a very lengthy
20 speaking objection and I would just ask that
21 we could have this discussion off the record.

22 MR. ROHER: That's fine. We can go off
23 the record. I never refuse to go off the
24 record.

25 MS. MARASCO: I'm going to ask you then

1 questions using Exhibit 19, which is the --
2 which is this Exhibit B here, this chart.
3 This is a complaint that was filed against the
4 Ken-Wen Limited Partnership and names
5 Mr. Brown as general partner and a defendant,
6 so I'm going to proceed with using this
7 document.

8 BY MS. MARASCO:

9 Q. When we are looking at this document,
10 column five identifies certain withdrawals; do you
11 see that?

12 A. Yes.

13 Q. And these are withdrawals that were made
14 from the account. If you see at the top, BLMIS
15 account 1EM226, Ken-Wen Family Limited Partnership
16 Limited. Do you see that?

17 A. Yes.

18 MR. ROHER: Object to form.

19 BY MS. MARASCO:

20 Q. Okay. So at the bottom, let's start from
21 the very bottom. Do you see that there is a date
22 11-17-2008, a check for \$200,000, and do you see
23 that amount as a withdrawal?

24 A. Yes.

25 MR. ROHER: Object to form.

1 BY MS. MARASCO:

2 Q. And so that was the \$200,000 check that we
3 just discussed from Mr. Madoff?

4 MR. ROHER: Object to form.

5 THE WITNESS: It's the same date, yes.

6 BY MS. MARASCO:

7 Q. Okay. And then going one above to the
8 January 24th, 2008 check wire and you see that
9 \$3 million withdrawal?

10 A. Yes.

11 Q. And we discussed that was the request to
12 liquidate the account?

13 MR. ROHER: Object to form.

14 THE WITNESS: Yes.

15 BY MS. MARASCO:

16 Q. Okay. And then one above, 12-31-2007
17 check wire, \$500,000 withdrawal. Do you see that
18 as well?

19 A. Yes.

20 Q. And do you recall us discussing that as a
21 wire into the Paradise Bank account?

22 A. Yes.

23 MR. ROHER: Object to form.

24 MS. MARASCO: I would just ask that you
25 not interrupt your client when he's answering.

1 MS. ROHER: So let me object.

2 THE WITNESS: I will.

3 MR. ROHER: Ken, let me object.

4 THE WITNESS: I understand. I understand
5 now.

6 BY MS. MARASCO:

7 Q. And then just one further up, 6-26-2007,
8 check, \$150,000. Do you recall discussing that
9 check from Mr. Madoff?

10 MR. ROHER: Object to form.

11 THE WITNESS: I recall, yes.

12 BY MS. MARASCO:

13 Q. Okay. So is it accurate to say, at least
14 with respect to those four transfers, that this
15 chart accurately reflects withdrawals from the
16 account?

17 MR. ROHER: Object to form.

18 THE WITNESS: It comports with what we
19 discussed today, yes.

20 BY MS. MARASCO:

21 Q. Okay. And we discussed that when those
22 withdrawals were made, they were deposited into an
23 account held by the Ken-Wen Family Partnership; is
24 that correct?

25 A. Those three deposits, yes.

1 Q. The four?

2 A. Four deposits, yes.

3 Q. Okay. We discussed earlier that the
4 accounts at either RBC or Paradise Bank was held in
5 the name of the partnership; is that right?

6 A. Yes.

7 Q. We discussed that only you or Wendy had
8 access to the RBC Bank; is that correct?

9 A. That's my understanding, yes.

10 Q. Only you and Wendy had access to the
11 Paradise Bank account; is that correct?

12 A. That would be my understanding, yes.

13 Q. Do you have any reason to believe that
14 anyone else would have accessed or would have had
15 access to the four withdrawals that we just
16 discussed?

17 A. No.

18 Q. Okay. We discussed earlier that you
19 called BLMIS and spoke with someone on the phone
20 when you wanted to make a withdrawal; is that
21 correct?

22 A. I think so, yes.

23 Q. Did you ever meet with anyone at BLMIS in
24 person?

25 A. No, never did.

1 Q. Never?

2 A. I wanted to meet with Madoff, but it never
3 happened.

4 Q. Did you ever meet Mr. Pascali?

5 A. No.

6 Q. And so how do you know who to call when
7 you wanted to make a withdrawal?

8 A. They would answer the phone.

9 Q. So it was just a general line and you were
10 directed to whomever answered the phone?

11 A. Yes, and I would say "I want to do a
12 transfer."

13 Q. There were no extensions or anything like
14 that?

15 A. No, it seemed like a very small firm at
16 the time.

17 Q. Okay.

18 A. Which made it seem personal.

19 Q. And then when you spoke to someone on the
20 phone, they would give you instruction about how to
21 make the withdrawal request; is that correct?

22 A. Precisely.

23 Q. Did BLMIS send written correspondence to
24 your recollection?

25 A. No.

1 CERTIFICATE OF OATH

2

3 STATE OF FLORIDA

4 COUNTY OF BROWARD

5

6 I, the undersigned authority, certify
7 that the witness, KENNETH WILLIAM BROWN, personally
8 appeared before me on the 27th day of January,
9 2020, and was duly sworn.

10

11 Signed this 30th of January, 2020.

12

13

14

FELECIA CURRERI, RPR
Notary Public - State of Florida
My Commission Expires: 12-19-2023
Commission No. GG 933850

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CERTIFICATE OF REPORTER

STATE OF FLORIDA
COUNTY OF BROWARD

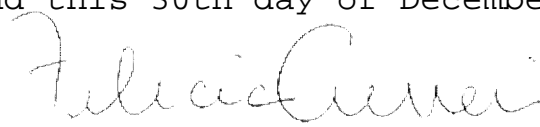
I, FELECIA CURRERI, Registered Professional Reporter, State of Florida at Large, do hereby certify that the aforementioned witness was by me first duly sworn or affirmed to testify to the whole truth; that I was authorized to and did report said deposition in stenotype; and that the foregoing pages, numbered from 5 to 104, inclusive, are a true and correct transcription of my shorthand notes of said deposition.

I further certify that said deposition was taken at the time and place hereinabove set forth and that the taking of said deposition was commenced and completed as hereinabove set out.

I further certify that I am not an attorney or counsel of any of the parties, nor am I a relative or employee of any attorney or counsel of any party connected with the action, nor am I financially interested in the action.

The foregoing certification of this transcript does not apply to any reproduction of the same by any means unless under the direct control and/or direction of the certifying reporter.

IN WITNESS WHEREOF, I have hereunto set my hand this 30th day of December, 2020.



Felecia Curreri, RPR
Notary Public - State of Florida
My Commission Expires: 12-19-2023
Commission No. GG 933850